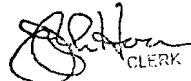


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 11 2008

CLERK

TERRENCE DUBOIS STINSON,	*	CIV 07-4100
	*	
Petitioner,	*	
	*	ORDER
-vs-	*	
	*	
BOB DOOLEY, Warden,	*	
	*	
Respondent.	*	
	*	

Petitioner Terrence Dubois Stinson, an inmate at the Mike Durfee State Prison, has applied for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Judge Simko's Report and Recommendation was entered on August 8, 2008. Petitioner filed his Objections to the Report and Recommendation on August 21, 2008. In addition to his objections, Petitioner has now requested a writ of mandamus and also attempts to raise some new claims. The writ of mandamus would be a separate action and is not properly before this Court and is therefore dismissed. Any new claims raised in Petitioner's objections are not timely raised nor supported by the record and are dismissed with prejudice. After a separate review of this file, it is hereby

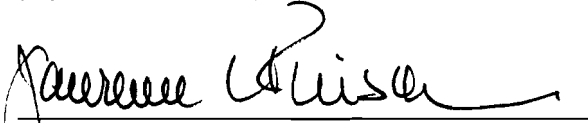
ORDERED that:

1. Petitioner's Objections (Doc. 17) are OVERRULED and the Report and Recommendation (Doc. 15) is ADOPTED in its entirety;
2. Respondent's Request to Dismiss Petition (Doc. 9) is GRANTED;

3. A Certificate of Appealability shall not issue;
4. Petitioner's Motions (Doc. 11 and 14) are DENIED AS MOOT;
5. Petitioner's claimed Writ of Mandamus (Doc. 18) is DISMISSED, with prejudice;
6. Petitioner's Application for Writ of Habeas Corpus (Doc. 1) is DISMISSED, with prejudice.

Dated this 11th day of September, 2008.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Shelly Margulies, Deputy